

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ALFRETER LAWTON

PLAINTIFF

V.

CIVIL ACTION NO. 1:20cv119LG-RHW

NEW YORK LIFE INSURANCE
COMPANY GROUP LONG TERM
DISABILITY PLAN, THROUGH ITS
PLAN ADMINISTRATOR, MARIA
MAUCERI, VP AND FIRST UNUM
LIFE INSURANCE COMPANY

DEFENDANT

COMPLAINT

Plaintiff, ALFRETER LAWTON, files this Complaint and in support would show the following:

I.

Alfreter Lawton ("Lawton") is an adult resident citizen of Gulfport, Harrison County, Mississippi and is a plan participant and beneficiary of an ERISA long-term disability plan created and sponsored by New York Life Insurance Company and underwritten by First Unum Life Insurance Company.

II.

New York Life Insurance Group Disability Plan is an ERISA benefits program offered through New York Life Insurance Company, a foreign corporation, with its principal place of business located at 51 Madison Avenue, New York, New York. Plaintiff seeks to recover benefits under a long-term disability plan and to recover costs and attorney's fees as provided by ERISA. The claims of Lawton relate to an long-term

disability plan as defined by ERISA, 29 U.S.C.A. §§ 1001 et seq. As such, the subject Plan constitutes a plan under ERISA. The Plaintiff submits that this court's jurisdiction is invoked pursuant to 28 U.S.C.A. § 1337 and 29 U.S.C.A. § 1132(e)

III.

Defendant, Maria Mauceri, VP and Actuary for New York Life Insurance Company, is the designated Plan Administrator for the disability plan with offices located at 51 Madison Avenue, Room 513, New York, New York

IV.

Defendant, First Unum Life Insurance Company, is a foreign insurance company doing business in the state of Mississippi. Unum issued a disability insurance policy under the New York Life Group long term disability plan providing Lawton with disability benefits under the plan.

V.

The Claims Administrator and the Lead Appeals Specialist for Unum originally denied the claim for benefits beginning in October 2018. Lawton appealed and has provided the Claims Administrator/Lead Appeals Specialist with substantial additional evidence supporting her claim for long term disability benefits. On August 12, 2019 the appeal was denied as evidenced by letter from the Appeals Unit of Unum dated August 12, 2019. The Plaintiff has exhausted the plan's internal resolution process and is entitled to judicial review of the denial of her claim under §502(a)(1)(B).

VI.

Lawton seeks a payment of long-term disability benefits under the plan and policy.

VII.

Lawton is entitled to Judgment ordering the payment of long-term disability benefits with interest.

VIII.

Lawton is also entitled to an award of reasonable attorney's fees and costs pursuant to the provisions of ERISA.

IX.

Plaintiff submits that the actions of the Defendants in the denial of the claim are arbitrary and capricious as Lawton is entitled to long-term disability benefits under the subject plan.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Alfreter Lawton, moves this Court for judgment against the Defendants awarding long term disability benefits under the terms and conditions of the plan as well as reasonable attorney's fees, court costs and such other further and additional relief as the law and facts may provide.

RESPECTFULLY SUBMITTED, this the 27th day of March, 2020.

ALFRETER LAWTON, PLAINTIFF

OWEN and OWEN, PLLC

BY: /s/ JOE SAM OWEN, MSB # 3965

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